

Calendar No. 483

106TH CONGRESS }
2d Session }

SENATE

{ REPORT
106-252

COASTAL BARRIER RESOURCES REAUTHORIZATION ACT OF 1999

APRIL 4, 2000.—Ordered to be printed

Mr. SMITH of New Hampshire, from the Committee on
Environment and Public Works, submitted the following

REPORT

[to accompany S. 1752]

[Including cost estimate of the Congressional Budget Office]

The Committee on Environment and Public Works, to which was referred a bill (S. 1752) to reauthorize and amend the Coastal Barrier Resources Act, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

GENERAL STATEMENT AND BACKGROUND

The Coastal Barrier Resources System (CBRS) is comprised of undeveloped coastal barriers along the coasts of the Atlantic Ocean, Gulf of Mexico, the Great Lakes, Puerto Rico and the U.S. Virgin Islands. Coastal barriers are landscape features that shield the mainland from the full force of wind, wave and tidal energies. Coastal barriers come in a variety of forms that include bay barriers, tombolos, barrier spits, barrier islands, dune or beach barriers, and fringing mangroves. Coastal barriers bear the brunt of impacts from storms and erosion, although most are composed only of unconsolidated sediment such as sand or gravel. The geological composition makes coastal barriers highly unstable areas. Despite their instability, many coastal barriers are under heavy development pressure.

Congress passed the Coastal Barrier Resources Act of 1982 in an effort to address problems caused by coastal barrier development. The Coastal Barrier Resources Act restricts Federal expenditures and financial assistance, including Federal flood insurance, for development on coastal barriers in the CBRS. By restricting funding for Federal programs that encourage development of coastal barriers, Congress sought to minimize loss of human life; reduce wasteful expenditure of Federal funds; and protect the natural resources associated with coastal barriers.

The Coastal Barrier Improvement Act of 1990 added “Otherwise Protected Areas” (OPAs) to the System. OPAs are undeveloped coastal barriers within the boundaries of lands reserved for conservation purposes such as wildlife refuges and parks. In addition, the 1990 Act added to the System coastal barriers in Puerto Rico, the U.S. Virgin Islands, the Great Lakes and along the Atlantic and Gulf coasts. The CBRS currently includes 850 units, comprising approximately 3 million acres and approximately 2,500 shoreline miles.

The Department of the Interior identified and mapped undeveloped coastal barriers, and those maps were later approved by Congress. The Department of the Interior employed the use of aerial photographs and ground inspections to verify the boundaries, and mapped the results on U.S. Geological Survey quadrangle maps. Except for minor and technical modifications to the CBRS unit boundaries to reflect changes that have occurred as a result of natural forces, modifications of CBRS unit boundaries require Congressional approval.

S. 1752, a bill to reauthorize and amend the Coastal Barrier Resources Act, makes several changes to the Act, the most significant of which is the codification of criteria to determine whether a coastal barrier is developed. As a general rule, the Fish and Wildlife Service and Congress determine that an area is developed if it has more than one structure per 5 acres, or a full complement of infrastructure which is defined to include water supply, wastewater disposal, electricity, and paved roads. Codifying the criteria will make it easier for Congress to oppose the removal of undeveloped coastal areas from the CBRS. This bill will also require the Secretary of the Interior (Secretary) to complete a pilot project to determine the feasibility of creating digital versions of the coastal barrier system maps, and reporting the findings to Congress within 3 years. Additional changes to the Act would allow voluntary additions to the System at the owners’ request, require that an ongoing economic assessment be submitted to the Committee when completed, and authorize appropriations of \$2 million through fiscal year 2004 and \$3 million for fiscal year 2005 through fiscal year 2007.

LEGISLATIVE HISTORY

S. 1752 was introduced on October 20, 1999 by the late chairman of the Senate Committee on Environment and Public Works, Senator John H. Chafee. No hearings were held on the bill. On February 9, 2000, the committee held a business meeting to consider S. 1752. The new chairman, Senator Bob Smith of New Hampshire, offered a technical amendment to reflect the passage of Public Law 106–167, a law to redesignate the CBRS after Senator John H.

Chafee. There were no other amendments, and the committee ordered the bill reported by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title

Section 1 designates the bill as the “Coastal Barrier Resources Reauthorization Act of 1999”.

Sec. 2. Definitions

Section 2(1) amends the Coastal Barrier Resources Act by establishing a set of criteria to serve as a guide to the Congress, the U.S. Fish and Wildlife Service, and the public to determine whether a coastal barrier should be considered developed, and therefore excluded from the CBRS. The criteria are based on a rule that was proposed by the Department of the Interior in August of 1982, but was never finalized (47 FR 35696). Despite never being finalized, the proposed rule has long served as a guideline for Congress and the Fish and Wildlife Service when they review suggested changes to the CBRS. In accordance with the proposed rule, this section would consider an area developed if it has more than 1-structure per 5-acres, or a full complement of infrastructure—which is defined to include water supply, wastewater disposal, electricity, and paved roads.

Section 2(2) is a technical amendment to reflect that the House of Representatives Committee on Resources was granted jurisdiction of the Coastal Barrier Resources Act as part of a 1995 House Committee reorganization.

Sec. 3. Voluntary Additions to John H. Chafee Coastal Barrier Resources System

Section 3(a) authorizes the Secretary to include, at the owner’s request, any coastal barrier land into the System provided that the parcel is an undeveloped coastal barrier. The Secretary is required to keep a copy of the official map in the office of the Director of the Fish and Wildlife Service, the Secretary must also provide copies of the map to the affected State, the Senate Committee on Environment and Public Works, the House Committee on Resources, and the Federal Emergency Management Agency. The Secretary also is required to publish in the Federal Register a notice of the proposed boundary change.

Section 3(b) consolidates into a single section the description procedures for the Secretary to change unit boundaries and add property to the System, as well as the notification and reporting requirements for making those changes.

Sec. 4. Technical Amendments

Section 4(a) strikes Section 10 of CBRA (16 U.S.C. 3509). Section 10 required the Secretary to prepare a report by 1985 to recommend additions to the System. The report was submitted, and many of the recommendations were adopted in the 1988 Great Lakes Coastal Barrier Act and the 1990 Coastal Barrier Improvement Act.

Sec. 5. Authorization of Appropriations

Section 5 authorizes appropriations of \$2,000,000 for each of fiscal years 2001 through 2004, and \$3,000,000 for each of fiscal years 2005 through 2007, to implement the Coastal Barrier Resources Act.

Sec. 6. Digital Mapping Pilot Project

Section 6(a) requires the Secretary to complete a pilot project to determine the feasibility and cost of creating digital versions of the Coastal Barrier System maps. The pilot project will create digital maps for at least 75 units, including 25 otherwise protected areas, of the Coastal Barrier Resources System.

Section 6(b) requires the Secretary to use existing digital spatial data, shoreline, elevation, and bathymetric data, and electronic navigational charts from Federal agencies, whenever possible. If the available data or charts are inadequate to carry out this section, the Secretary is authorized to enter into an agreement with the Director of the U.S. Geological Survey to collect the necessary information.

Section 6(c) clarifies that the digital maps do not supercede Coastal Barrier Resources System maps previously approved by Congress.

Section 6(d) requires the Secretary to submit to Congress a report within 3 years on the progress made in digitalizing the maps, cooperative agreements with other Federal agencies, the need for additional data, the extent that the boundary lines on the digital maps differ from those on the original paper maps, and the estimated cost of digitally mapping the entire System.

Section 6(e) authorizes appropriations of \$500,000 for each fiscal year 2001 through 2003 to carry out the digital mapping pilot project.

Sec. 7. Economic Assessment of John H. Chafee Coastal Barrier Resources System

Section 7 requires the Secretary to submit to Congress a report that analyzes the past and estimated future savings of Federal funds as a result of the Coastal Barrier Resources Act.

REGULATORY IMPACT STATEMENT

In compliance with section 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact of the reported bill. The reported bill will have no regulatory impact. This bill will not have any adverse impact on the personal privacy of individuals.

MANDATES ASSESSMENT

In compliance with the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), the committee finds that S. 1752 would impose no Federal intergovernmental unfunded mandates on State, local, or tribal governments. All of its governmental directives are imposed on Federal agencies. The bill does not directly impose any private sector mandates.

COST OF LEGISLATION

Section 403 of the Congressional Budget and Impoundment Control Act requires that a statement of the cost of the reported bill, prepared by the Congressional Budget Office, be included in the report. That statement follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 2000.

Hon. ROBERT C. SMITH, *Chairman,*
Committee on Environment and Public Works,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1752, the Coastal Barrier Resources Reauthorization Act of 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN.

 CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1752, Coastal Barrier Resources Reauthorization Act of 1999, As ordered reported by the Senate Committee on Environment and Public Works on February 9, 2000

Summary

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 1752 would cost \$12.5 million over the 2000–2005 period. The bill would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

S. 1752 would reauthorize the Coastal Barrier Resources Act. For programs carried out under the act, the bill would authorize the appropriation of \$2 million annually for fiscal years 2001 through 2004 and \$3 million annually for fiscal years 2005 through 2007. Section 6 of the bill would direct the U.S. Fish and Wildlife Service (USFWS) to undertake a pilot project to determine the feasibility and cost of creating digital maps of the Coastal Barrier Resources System. The agency would have 3 years to report its findings to the Congress. For this purpose, section 5 would authorize the appropriation of \$500,000 annually for fiscal years 2001 through 2003.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments.

Estimated Cost to the Federal Government

CBO estimates that implementing S. 1752 would cost \$2.5 million a year for 2001, 2002, and 2003; \$2 million for 2004; and \$3 million for 2005. The program received an appropriation of \$0.6 million for 2000. The costs of this legislation fall within budget function 300 (natural resources and environment).

Basis of Estimate

For purposes of this estimate, CBO assumes that the full amounts authorized for managing the Coastal Barrier Resources System and conducting the pilot program on digital mapping will be appropriated for each fiscal year.

Pay-as-You-Go Considerations: None.

Intergovernmental and Private-Sector Impact

S. 1752 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on State, local, or tribal governments.

Previous CBO Estimate

On June 22, 1999, CBO transmitted a cost estimate for H.R. 1431, the Coastal Barrier Resources Reauthorization Act of 1999, as ordered reported by the House Committee on Resources on June 9, 1999. The amounts authorized to be appropriated by the two bills are different, and this difference is reflected in the cost estimates. In particular, H.R. 1431 would authorize the appropriation of \$6.5 million over the 2000–2004 period, while S.1752 would authorize \$9.5 million over that period and additional amounts after 2004. In addition, we estimated that enactment of H.R. 1431 could affect direct spending, but in amounts less than \$500,000 each year.

Estimate Prepared by: Deborah Reis (226–2860).

Estimate Approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW

In compliance with section 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows: Existing law proposed to be omitted is enclosed in [black brackets], new matter is printed in *italic*, existing law in which no change is proposed is shown in roman:

UNITED STATES CODE—TITLE 16—CONSERVATION

CHAPTER 55—COASTAL BARRIER RESOURCES ¹**Sec. 3501. Congressional statement of findings and purpose**

(a) The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes of the United States and the adjacent wetlands, marshes, estuaries, inlets and near-shore waters provide—

(A) habitats for migratory birds and other wildlife; and

¹Public Law 97–348, § 2, Oct. 18, 1982, 96 Stat. 1653; Public Law 100–107, title II, § 204(c)(1), Nov. 23, 1988, 102 Stat. 4714; Public Law 104–148, § 2, May 24, 1996, 110 Stat. 1378; Public Law 140–265, title II, § 201, Oct. 9, 1996, 110 Stat. 3289; Public Law 104–333, div. I, title II, § 222, Nov. 12, 1996, 110 Stat. 4115.

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) The Congress declares that it is the purpose of this chapter to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

Sec. 3502. Definitions

【For purposes of this chapter—

【(1) The term “undeveloped coastal barrier” means—

【(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

【(i) is subject to wave, tidal, and wind energies, and

【(ii) protects landward aquatic habitats from direct wave attack; and

【(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters; but only if such feature and associated habitats contain few manmade structures and these structures, and man’s activities on such feature and within such habitats, do not significantly impede geomorphic and ecological processes.】

In this Act:

(1) *UNDEVELOPED COASTAL BARRIER.*—

(A) *IN GENERAL.*—The term ‘undeveloped coastal barrier’ means—

(i) a geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

(I) is subject to wave, tidal, and wind energies; and

(II) protects landward aquatic habitats from direct wave attack; and

(ii) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters.

(B) *EXCLUSIONS.*—The term ‘undeveloped coastal barrier’ excludes a feature or habitat described in subparagraph (A) if, as of the date on which the feature or habitat is added to the System—

(i) the density for the unit in which the feature or habitat is located is equal to or greater than 1 structure per 5 acres of land above the mean high tide, which structure—

(I) is a walled and roofed building (other than a gas or liquid storage tank) that is principally above ground and affixed to a permanent site, including a manufactured home on a permanent foundation; and

(II) covers at least 200 square feet; or

(ii) the feature or habitat contains infrastructure consisting of—

(I) a road, to each lot or building site, that is under the jurisdiction of, and maintained by, a public authority and is open to the public;

(II) a wastewater disposal system for each lot or building site;

(III) electric service for each lot or building site; and

(IV) availability of a fresh water supply for each lot or building site.

(2) The term “Committees” [refers to the Committee on Merchant Marine and Fisheries] *means the Committee on Resources* of the House of Representatives and the Committee on Environment and Public Works of the Senate.

(3) The term “financial assistance” means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, or any other form of direct or indirect Federal assistance other than—

(A) deposit or account insurance for customers of banks, savings and loan associations, credit unions, or similar institutions;

(B) the purchase of mortgages or loans by the Government National Mortgage Association, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation;

(C) assistance for environmental studies, planning, and assessments that are required incident to the issuance of permits or other authorizations under Federal law; and

(D) assistance pursuant to programs entirely unrelated to development, such as any Federal or federally as-

sisted public assistance program or any Federal old-age survivors or disability insurance program. [Effective October 1, 1983, such term includes flood insurance described in section 4028 of title 42.]

(4) The term "Great Lakes" means Lake Ontario, Lake Erie, Lake Huron, Lake St. Clair, Lake Michigan, and Lake Superior, to the extent that those lakes are subject to the jurisdiction of the United States.

(5) The term "Secretary" means the Secretary of the Interior.

(6) The term "System" means the Coastal Barrier Resources System established by section 3503(a) of this title.

(7) The term "System unit" means any undeveloped coastal barrier, or combination of closely-related undeveloped coastal barriers, included within the Coastal Barrier Resources System established by section 3503 of this title.

Sec. 3503. Establishment of *John H. Chafee* Coastal Barrier Resources System

(a) ESTABLISHMENT.—There is established the *John H. Chafee* Coastal Barrier Resources System, [which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled "Coastal Barrier Resources System", dated October 24, 1990, as such maps may be revised by the Secretary under section 4 of the Coastal Barrier Improvement Act of 1990.] *which shall consist of those undeveloped coastal barriers and other areas located on the coasts of the United States that are identified and generally depicted on the maps on file with the Secretary entitled 'Coastal Barrier Resources System', dated October 24, 1990, as those maps may be modified, revised, or corrected under—*

(1) subsection (c) or (d);

(2) section 4 of the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3503 note; Public Law 101-591); or

(3) any other provision of law enacted on or after November 16, 1990, that specifically authorizes the modification, revision, or correction.

(b) SYSTEM MAPS.—The Secretary shall keep the maps referred to in subsection (a) of this section on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service, and in such other offices of that service as the Director considers appropriate.

(c) BOUNDARY REVIEW AND MODIFICATION.—At least once every 5 years, the Secretary shall review the maps referred to in subsection (a) of this section and shall make, in consultation with the appropriate State, local, and Federal officials, such minor and technical modifications to the boundaries of System units as are necessary solely to reflect changes that have occurred in the size or location of any System unit as a result of natural forces.

(d) ADDITIONS TO SYSTEM.—

(1) IN GENERAL.—The Secretary may add a parcel of real property to the System, if—

(A) the owner of the parcel requests, in writing, that the Secretary add the parcel to the System; and

(B) the parcel is a feature or habitat covered by section 3(1).

(2) MAPS.—The Secretary shall—

(A) keep a map showing the location of each parcel of real property added to the System under paragraph (1) on file and available for public inspection in the Office of the Director of the United States Fish and Wildlife Service and in such other offices of the Service as the Director considers appropriate;

(B) provide a copy of the map to—

(i) the State in which the property is located;

(ii) the Committees; and

(iii) the Federal Emergency Management Agency;

and

(C) revise the maps referred to in subsection (a) to reflect each addition of real property to the System under paragraph (1), after publishing in the Federal Register a notice of any such proposed revision.

Sec. 3504. Limitations on Federal expenditures affecting the System

(a) CONSTRUCTION OR PURCHASE OF STRUCTURE, FACILITY, ROAD, AIRPORT, ETC.; PROJECTS TO PREVENT EROSION; EXCEPTIONS.—Except as provided in section 3505 of this title, no new expenditures or new financial assistance may be made available under authority of any Federal law for any purpose within the System, including, but not limited to—

(1) the construction or purchase of any structure, appurtenance, facility, or related infrastructure;

(2) the construction or purchase of any road, airport, boat landing facility, or other facility on, or bridge or causeway to, any System unit; and

(3) the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area, except that such assistance and expenditures may be made available on units designated pursuant to section 3503 of this title on maps numbered S01 through S08 and LA07 for purposes other than encouraging development and, in all units, in cases where an emergency threatens life, land, and property immediately adjacent to that unit.

(b) NEW EXPENDITURES OR NEW FINANCIAL ASSISTANCE.—An expenditure or financial assistance made available under authority of Federal law shall, for purposes of this chapter, be a new expenditure or new financial assistance if—

(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date on which the relevant System unit or portion of the System unit was included within the System under this chapter or the Coastal Barrier Improvement Act of 1990; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date. Sec. 3505. Exceptions to limitations on expenditures

(a) IN GENERAL.—Notwithstanding section 3504 of this title, the appropriate Federal officer, after consultation with the Secretary, may make Federal expenditures and may make financial assistance available within the System for the following:

(1) Any use or facility necessary for the exploration, extraction, or transportation of energy resources which can be carried out only on, in, or adjacent to a coastal water area because the use or facility requires access to the coastal water body.

(2) The maintenance or construction of improvements of existing Federal navigation channels (including the Intra-coastal Waterway) and related structures (such as jetties), including the disposal of dredge materials related to such maintenance or construction.

(3) The maintenance, replacement, reconstruction, or repair, but not the expansion, of publicly owned or publicly operated roads, structures, or facilities that are essential links in a larger network or system.

(4) Military activities essential to national security.

(5) The construction, operation, maintenance, and rehabilitation of Coast Guard facilities and access thereto.

(6) Any of the following actions or projects, if a particular expenditure or the making available of particular assistance for the action or project is consistent with the purposes of this chapter:

(A) Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects.

(B) Establishment, operation, and maintenance of air and water navigation aids and devices, and for access thereto.

(C) Projects under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 through 11) and the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

(D) Scientific research, including aeronautical, atmospheric, space, geologic, marine, fish and wildlife, and other research, development, and applications.

(E) Assistance for emergency actions essential to the saving of lives and the protection of property and the public health and safety, if such actions are performed pursuant to sections 5170a, 5170b, and 5192 of title 42 and section 1362 of the National Flood Insurance Act of 1968 (42 U.S.C. 4103) and are limited to actions that are necessary to alleviate the emergency.

(F) Maintenance, replacement, reconstruction, or repair, but not the expansion (except with respect to United States route 1 in the Florida Keys), of publicly owned or publicly operated roads, structures, and facilities.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.

(b) EXISTING FEDERAL NAVIGATION CHANNELS.—For purposes of subsection (a)(2) of this section, a Federal navigation channel or a related structure is an existing channel or structure, respectively, if it was authorized before the date on which the relevant System unit or portion of the System unit was included within the System.

(c) EXPANSION OF HIGHWAYS IN MICHIGAN.—The limitations on the use of Federal expenditures or financial assistance within the System under subsection (a)(3) of this section shall not apply to a highway—

- (1) located in a unit of the System in Michigan; and
- (2) in existence on November 16, 1990.

(d) SERVICES AND FACILITIES OUTSIDE SYSTEM

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) of this subsection, limitations on the use of Federal expenditures or financial assistance within the System under section 3504 of this title shall not apply to expenditures or assistance provided for services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System (as depicted on the maps referred to in section 3503(a) of this title) which relate to an activity within that unit.

(2) PROHIBITION OF FLOOD INSURANCE COVERAGE.—No new flood insurance coverage may be provided under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) for any new construction or substantial improvements relating to services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(3) PROHIBITION OF HUD ASSISTANCE—

(A) IN GENERAL.—No financial assistance for acquisition, construction, or improvement purposes may be provided under any program administered by the Secretary of Housing and Urban Development for any services or facilities and related infrastructure located outside the boundaries of unit T-11 of the System that facilitate an activity within that unit that is not consistent with the purposes of this chapter.

(B) “FINANCIAL ASSISTANCE” DEFINED.—For purposes of this paragraph, the term “financial assistance” includes any contract, loan, grant, cooperative agreement, or other form of assistance, including the insurance or guarantee of a loan, mortgage, or pool of mortgages.

Sec. 3506. Certification of compliance

(a) REGULATIONS.—Not later than 12 months after November 16, 1990, the head of each Federal agency affected by this chapter shall promulgate regulations to assure compliance with the provisions of this chapter.

(b) CERTIFICATION.—The head of each Federal agency affected by this chapter shall report and certify that each such agency is in compliance with the provisions of this chapter. Such reports and

certifications shall be submitted annually to the Committees and the Secretary.

Sec. 3507. Priority of laws

Nothing contained in this chapter shall be construed as indicating an intent on the part of the Congress to change the existing relationship of other Federal laws to the law of a State, or a political subdivision of a State, or to relieve any person of any obligation imposed by any law of any State, or political subdivision of a State. No provision of this chapter shall be construed to invalidate any provision of State or local law unless there is a direct conflict between such provision and the law of the State, or political subdivision of the State, so that the two cannot be reconciled or consistently stand together. This chapter shall in no way be interpreted to interfere with a State's right to protect, rehabilitate, preserve, and restore lands within its established boundary.

Sec. 3508. Separability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

[Sec. 3509. Report to Congress

[(a) TIME OF REPORT.—Before the close of the 3-year period beginning on October 18, 1982, the Secretary shall prepare and submit to the Committees a report regarding the System.

[(b) CONSULTATIONS AND PUBLIC COMMENT.—The Secretary shall prepare the report required under subsection (a) of this section in consultation with the Governors of the States in which System units are located and with the coastal zone management agencies of the States in which System units are located and after providing opportunity for, and considering, public comment.

[(c) CONTENTS.—The report required under subsection (a) of this section shall contain—

[(1) recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;

[(2) recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;

[(3) a summary of the comments received from the Governors of the States, State coastal zone management agencies, other government officials, and the public regarding the System; and

[(4) an analysis of the effect, if any, that general revenue sharing grants made under section 6702 of title 31 have had on undeveloped coastal barriers.

[Sec. 3510. Authorization of appropriations

[There are authorized to be appropriated to the Secretary for carrying out this chapter \$2,000,000 for each of fiscal years 1995 to 1998.]

Sec. 3509. Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out this Act \$2,000,000 for each of fiscal years 2001 through 2004 and \$3,000,000 for each of fiscal years 2005 through 2007.

